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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,800	01/27/2004	Shiv Kumar Gupta	14964US01	2483
<div>7590 Christopher C. Winslade McAndrews, Held &amp; Malloy, Ltd. 34th Floor 500 West Madison St. Chicago, IL 60661</div>				
01/28/2009				
EXAMINER				
LEE, JOHN W				
ART UNIT		PAPER NUMBER		
2624				
MAIL DATE		DELIVERY MODE		
01/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/765,800

**Applicant(s)**

GUPTA ET AL.

**Examiner**

JOHN Wahnkyo LEE

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 December 2008 has been entered.

***Double Patenting***

2. Claims 6-10 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1-5, respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukagoshi et al. (US 2003/0002578).

Regarding claim 1, Tsukagoshi discloses a transport stream feeder for verifying a video decoder, said transport stream feeder comprising: a digital input/output card (Fig. 1b-100; paragraph [0022], "magnetic or optical cards"), said digital input/output card (Fig. 1b-100; paragraph [0022], "magnetic or optical cards") comprising: a first memory (Fig. 1b-110; paragraph [0028], "signal input") for storing a reference video (Fig. 1b-102, "input signal"; paragraph [0028], "MPEG-2, MPEG-4, digital video (DV)"); a processor (Fig. 1b-130; paragraph [0028], "system control") for encoding (Fig. 1b-115; paragraph [0029], "video encoder") the reference video (Fig. 1b-102, "input signal"; paragraph [0028], "MPEG-2, MPEG-4, digital video (DV)"), providing the encoded reference video (Fig. 1b-2112; paragraph [0028], "encoded signals are .. transferred to decoder system") to the video decoder (Fig. 1b-145; paragraph [0029], "video decoder"), and receiving a decoded reference video (Fig. 1b, "v2") from the video decoder (Fig. 1b-145; paragraph [0029], "video decoder") and writing the decoded reference video (Fig. 1b, "v2") to the second memory (Fig. 1b-150; paragraph [0028], "video and audio output"); and a the second memory (Fig. 1b-150; paragraph [0028], "video and audio output") for storing a the decoded reference video (Fig. 1b, "v2").

Regarding claim 2, Tskagoshi discloses an interface for transmitting (Fig. 1b-160; paragraph [0028], "storage or transmission medium") the reference video to the video decoder (Fig. 1b-2112; paragraph [0028], "encoded signals are ... transferred to decoder system").

Regarding claim 3, Tskagoshi discloses an adapter (Fig. 1b-135; paragraph [0029], "Demultiplexer") for connecting the digital input/output card (Fig. 1b-100;

paragraph [0022], "magnetic or optical cards") to the video decoder (Fig. 1b-145; paragraph [0029], "video decoder").

Regarding claim 4, Tskagoshi discloses wherein the digital input/output card (Fig. 1b-100; paragraph [0022], "magnetic or optical cards") further comprising: a third memory (Fig. 1b-130; paragraph [0028], "system control") for storing a plurality of instructions executable by the processor, wherein execution of the plurality of instructions by the processor causes (Fig. 1b, "software module"): encoding (Fig. 1b-145; paragraph [0029], "video decoder") the reference video (Fig. 1b-102, "input signal"; paragraph [0028], "MPEG-2, MPEG-4, digital video (DV)"); transmitting (Fig. 1b-160; paragraph [0028], "storage or transmission medium") the encoded reference video (Fig. 1b-2112; paragraph [0028], "encoded signals are ... transferred to decoder system"); receiving the decoded reference video (Fig. 1b, "v2") from the video decoder (Fig. 1b-145; paragraph [0029], "video decoder"); and storing the decoded reference video (Fig. 1b, "v2") from the video decoder (Fig. 1b-145; paragraph [0029], "video decoder").

Regarding claim 5, Tskagoshi discloses the encoded reference video comprising an MPEG transport stream (paragraph [0028], "MPEG-2, MPEG-4").

Regarding claims 6-10, claims 6-10 are duplicated to claims 1-5, respectively. See rejections of claims 1-5 for further explanation.

### ***Conclusion***

5. No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN Wahnkyo LEE whose telephone number is (571)272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/  
Supervisory Patent Examiner, Art Unit 2624

/John Wahnkyo Lee/  
Examiner, Art Unit 2624

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